

RESPONSEExaminer: **CERVETTI, David Garcia**Serial No.: **09/915,271**Atty. Docket No.: **46354.010300****REMARKS/ARGUMENTS**

Claims 1-23 and 32 are currently pending in the instant application. Claims 24 through 31 were canceled by preliminary amendment prior to substantive examination. Claims 1-2, 12-19, and 23 are rejected under 35 U.S.C. §102(a), and claims 3-11 and 20-22 are rejected under 35 U.S.C. §103(a). Applicant respectfully traverses the rejections.

Applicant thanks the Examiner for calling attention to the clerical errors recited on pages 2-4 of the above-referenced Office Action. The amendments set forth above correct these errors. In making these corrections, Applicant has taken care to not insert any new matter.

Oath/Declaration

In response to the Examiner's objections under 37 C.F.R. §1.33(a), applicant submits herewith a substitute Declaration indicating applicant's mailing address as required under 37 C.F.R. §1.63(c)(1).

Drawing Objections

The Examiner objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include reference numerals 200, 252, 470, 2113, and 2115. As recited above, applicant has amended the specification and drawings, and applicant respectfully asserts that the Examiner's objection is moot. Applicant therefore respectfully requests that the Examiner withdraw the objection.

The Examiner also objected to the drawings as they contained the following reference numerals which the Examiner was not able to find in the specification: 224, 258, 420, 820, 1801, 2152, 2115, 2201, and 2315. As recited above, applicant has amended the specification and drawings, and applicant respectfully asserts that the Examiner's objection is moot. Applicant therefore respectfully requests that the Examiner withdraw the objection.

The Examiner further objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character "407" has been used to designate both "server" and "appropriate credit or debit card". As recited above, applicant has amended the specification and drawings, and applicant respectfully asserts that the Examiner's objection is moot. Applicant therefore respectfully requests that the Examiner withdraw the objection.

RESPONSEExaminer: **CERVETTI, David Garcia**Serial No.: **09/915,271**Atty. Docket No.: **46354.010300****Specification Objections**

The Examiner objected to the abstract of the disclosure because it exceeds 150 words. Applicant has amended the abstract to comply with the 150 word limit. Applicant therefore respectfully requests that the Examiner withdraw the objection.

The Examiner objected to the disclosure because of some informally used terms which, although well known in the art, were not explicitly defined in the specification. The amendments set forth above render the Examiner's objection moot, and Applicant respectfully requests that the Examiner withdraw the objection.

Claim Objections

The Examiner objected to Claim 32 because it depends from a canceled claim. Applicant has amended Claim 32 to depend from Claim 1, which is currently pending. Applicant therefore respectfully requests that the Examiner withdraw the objection.

Claim Rejections – 35 U.S.C. §112

Claim 32 is rejected under 35 U.S.C. §112, second paragraph. In making the rejection, the Examiner argued that there is insufficient antecedent basis for aspects of the claim. The amendment set forth above renders the Examiner's rejection moot, and Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Rejections – 35 U.S.C. §102

Claims 1-2, 12-19, and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,697,072 to Kawana ("Kawana"). The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984). Thus, for Kawana to anticipate any of the rejected claims, Kawana must teach, inter alia, a host computer for supplying a pseudo-random security string for a transaction. Kawana teaches an electronic identification card, into which the cardholder inputs a personal identification number and an amount. The electronic identification card calculates encrypted data based on the cardholder's input, and the encrypted data is then shown to a cashier at a point of sale terminal. The point of sale terminal performs authentication of the card and the cardholder in accordance with the encrypted data. Kawana does not teach or suggest the use of a host computer for supplying a pseudo-random security string for a transaction. In fact, the word

RESPONSEExaminer: **CERVETTI, David Garcia**Serial No.: **09/915,271**Atty. Docket No.: **46354.010300**

“random” does not appear anywhere in Kawana. Applicant therefore asserts that Kawana fails to anticipate the rejected claims because it does not contain “disclosure of each and every element of the claimed invention, arranged as in the claim.” Applicant therefore respectfully requests that the Examiner withdraw the rejection.

Claim Rejections – 35 U.S.C. §103

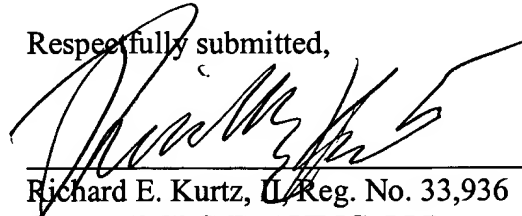
Claims 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kawana as applied to Claim 1, and further in view of Goldfine, U.S. Patent No. 5,343,529. It is well established that, to show obviousness, all limitations must be taught or suggested by the prior art. In Re Boyka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). In this case, the Examiner conceded that Kawana does not disclose the system of Claim 1, wherein the at least one electronic device is comprised of a wireless device associated with the user for receiving and displaying the pseudo-random security string. The Examiner argued that Goldfine teaches the system of Claim 1, wherein the at least one electronic device is comprised of a wireless device associated with the user for receiving and displaying the pseudo-random security string. While column 4, lines 25-35 of Goldfine teach enabling a calling telephone through the use of a PIN code, Goldfine teaches that each transaction should have associated with it a unique transaction identifier. For such transaction identifiers to be unique, they cannot be pseudo-random, as with any pseudo-random number there is the possibility of repetition. Neither Kawana, Goldfine, nor the combination thereof, teach or suggest this element of the rejected claims, and in fact Goldfine teaches away from this element. Thus, the pending claims are distinguishable over the combination of Kawana and Goldfine, and Applicant respectfully requests that the Examiner withdraw the rejection.

The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant reasserts the arguments above for each of the dependent claims, and respectfully requests that the Examiner withdraw the rejection of the dependent claims.

RESPONSEExaminer: **CERVETTI, David Garcia**Serial No.: **09/915,271**Atty. Docket No.: **46354.010300****CONCLUSION**

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that Claims 1-23 and 32 are in condition for allowance and Notice to that effect is respectfully solicited. Additional distinctions may exist between the invention as recited in the pending claims and the references cited by the Examiner, and Applicant respectfully reserves the right to assert these arguments in response to a future Office Action. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,



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RESPONSEExaminer: **CERVETTI, David Garcia**Serial No.: **09/915,271**Atty. Docket No.: **46354.010300****AMENDMENTS TO THE DRAWINGS**

Please substitute the attached Figures 2, 4, and 22 for the Figures 2, 4, and 22 originally submitted with the instant Application. Applicant has inserted into Figures 2 and 4 reference numerals that were present in the specification but missing from Figures 2 and 4, and has removed reference numeral 2201 from Figure 22. In making these amendments, Applicant has taken care not to add new matter.